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Montserrat

Working paper prepared by the Secretariat*

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* This document is being submitted on 16 May 2002 to allow for inclusion of up-to-date information about the Territory.

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I. General

1. Montserrat[1] is situated in the Leeward Islands in the eastern Caribbean, 43 kilometres south-west of Antigua and 64 kilometres north-west of the French Overseas Department of Guadeloupe. The island is 18 kilometres long and 11 kilometres wide and covers an area of 103 square kilometres, all of which is volcanic and mountainous. Its coastline is rugged and has no all-weather harbour.[2]

2. Sometimes called the Emerald Island, Montserrat was named after a Spanish monastery by Christopher Columbus on his second trip to the island in 1493. In 1632, the island became a British Colony, and its first settlers came mainly from Ireland. Slaves, who worked the cotton, sugar and tobacco plantations, were unsuccessful in an uprising in 1768. Although Montserrat was occupied by France for brief periods of time, it returned definitively to British rule in 1783. Montserrat became a British Crown Colony in 1871.

3. In July 1995, the Montsoufriere volcano, dormant for more than 400 years, erupted and caused the evacuation of more than one third of Montserrat's population from the southern part of the island to its northern "safe" areas in August 1995. Montserrat's capital, Plymouth, was abandoned after the increase in volcanic activity in 1996. The temporary capital is now located in Brades and a new capital is being planned in Little Bay, which is situated on the north-east coast of the island.

4. The population of Montserrat was 10,581 in 1995. In 1998, it was reduced to 3,500, although some sources give a lower figure of 2,800.[3] In 1999, the population was estimated to be just over 4,600. Data from the voter registration rolls for the 2001 elections indicated that as of February 2001 the population of Montserrat was approximately 5,000, with nearly 3,000 over the age of 18. English is the only language in use by the entire population. The principal religion is Christianity, and the main denominations are Anglican, Roman Catholic and Methodist.

II. Constitutional background

5. Montserrat is a Non-Self-Governing Territory of the United Kingdom of Great Britain and Northern Ireland. The Territory is administered by the United Kingdom under the Montserrat Constitution Order of 1989, which came into force in 1990. The United Kingdom's White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories (see A/AC.109/1999/1, annex, and A/AC.109/1999/15, para. 38), presented to Parliament in March 1999, spoke of each Territory's need for a constitutional framework to suit its own circumstances, and stated that suggestions from Overseas Territory governments for specific proposals for constitutional change would be considered carefully. A Constitutional Review Commission has been set up in Montserrat under the leadership of Professor Sir Howard Fergus, with the mandate to consult the people of the Territory widely before making recommendations in this regard.[4] The current Constitution provides for a Governor appointed by the Queen; an Executive Council comprising the Governor as President, the Chief Minister, three ministers and two ex officio members (the Attorney General and the Financial Secretary); and a Legislative Council, comprising a Speaker, two ex officio members (the Attorney General and the Financial Secretary), seven elected members returned from single-member constituencies on the basis of universal adult suffrage and two nominated members. Elections are held every five years on the basis of universal adult suffrage. Elections were planned for November 2001. However after the resignation of two ministers in February 2001 and the collapse of the Government, the election date was advanced to 2 April 2001 (see para. 10).

6. Ministerial responsibilities cover all areas of government business, including finance. While the Governor retains responsibilities for external affairs, internal security, defence, the pubic service and offshore financial services, he is expected to act on the advice of the Ministers. During the Governor's absence, the Speaker of the Legislative Council acts as Governor.

7. The law of the Territory is English common law together with locally enacted legislation. It is administered by the Eastern Caribbean Supreme Court. The Royal Montserrat Police Force is funded by the technical cooperation programme. The current Police Commissioner, a 35-year veteran of the Force, was appointed in March 2002.[5]

III. Political developments

8. The current Governor of Montserrat, Tony Longrigg, has been in office since May 2001. The new Chief Minister, John Osborne, took office in April 2001. The main political parties are the New People's Liberation Movement (NPLM) and the National Progressive Party (NPP). During the previous elections, in 1996, in the midst of the chaos resulting from the volcanic activity, voter participation was very low, none of the parties won a majority and a coalition Government was formed.

9. A new electoral system has been adopted. Because the majority of the constituencies of the Territory are currently uninhabitable following the eruption of the Montsoufriere volcano, the entire island is considered to be one constituency. Nine at-large members are elected in two rounds of voting. The new Assembly does not include any nominated members. One of the important issues for the new system was the question of a qualifying pre-poll residence period. Initially, it had been suggested that the length of residence should be three weeks to make it possible for Montserratians who lived abroad to return home and vote. For the 2001 elections, the residency requirement was raised to 36 months better to reflect the opinion of the inhabitants of the Territory. However, this stipulation has caused some displeasure among the Montserratians living and working abroad.

10. The resignation of two Ministers in February 2001 upset the coalition Government, which had a one-seat majority among the seven elected seats of the Legislative Council. Under such circumstances, the Territory's Constitution requires holding new elections within 90 days. As a consequence, the election date was advanced from November to 2 April 2001. The elections brought an overwhelming victory for NPLM, which now occupies seven of the nine seats in the Legislative Council. The remaining two seats are held by NPP. Three of the elected representatives are women and two of them will serve as ministers. The voter turnout was 78 per cent of the total of 2,953 registered voters. Four of the winners obtained over 50 per cent of the votes. The key campaign issues of the elections were improved relations with the United Kingdom, foreign and local investments, job creation and housing, as well as ways to encourage the return of Montserratians living overseas.

11. Another aspect of the 1999 White Paper "Partnership for Progress and Prosperity: Britain and the Overseas Territories" was a review of British citizenship rights. After a lengthy parliamentary process, the Overseas Territory bill, which grants British citizenship to nationals of Britain's Overseas Territories, was given Royal Assent in March 2002 (see A/AC.109/2002/2/Add.1). The bill enables Montserratians and other citizens of the Overseas Territories to apply for British citizenship as of 21 May 2002, through which they will acquire the rights of free movement, residence and the opportunity to work in the United Kingdom and other European Union member States.[6]

IV. Status of the Montsoufriere volcano

12. The Montserrat Volcano Observatory (MVO) was established after the eruption of the Montsoufriere volcano in 1995 and became a statutory body of the Government of Montserrat in 1999. Funded mainly through the United Kingdom Department for International Development (DfID), its role is to advise civilian authorities on the volcanic activity and associated hazards. A report released by the MVO in March 1999 noted that there were no signs that there would be any further eruptions in the near future. Nevertheless, the volcano erupted again in November 1999 and yet again in March 2000. According to a January 2001 MVO report, the dome of the volcano was at its largest size since the eruption began in 1995 and was growing predominantly towards the east with typically hundreds of rock falls occurring per week. At the time, the risk to populated areas of Montserrat was considered low. On 29 July 2001, the Montsoufriere erupted again. The partial collapse of the dome generated pyroclastic flows which travelled down the eastern side of the volcano and into the sea. At the same time, a column of ash was carried north-west by prevailing winds, reaching the Virgin Islands and Puerto Rico. No one was injured on Montserrat, although there were rock falls and ash fall in populated areas. In a scientific and hazards assessment issued in September 2001, the MVO reported that there were no signs of the overall levels of volcanic activity diminishing and the most likely outcome was that this pattern of activity would continue for the next few years. In March 2002, it was reported that since

September 2001, the dome had grown at an average rate of 2 cubic metres per second, or 400,000 tonnes per day.[7]

13. Since late 1999, the MVO has conducted an intense local and regional public education campaign, including trips to neighbouring countries and the United Kingdom with the objective of delivering first-hand information and having discussions with disaster officials, local historians, communities of Montserrat citizens and the general public. In September 2001, construction of a new building for the MVO began in Fleming. Designed locally and funded by DfID, it commands a clear line of sight to the dome and is expected to be completed in approximately 12 months time.[8]

V. Economic conditions

14. Volcanic activity and hurricane damage have combined to seriously undermine Montserrat's economic development and have implications for its future planning. In 1995, the island lost its capital, the airport, ports, economic infrastructure and much of its housing. After that it experienced negative growth with gross domestic product (GDP) falling by 50 per cent between 1995 and 1998. In 2000, GDP declined further by 6.3 per cent, as indicated by Oxford Analytica, 29 January 2002. Positive growth resumed in 2001 (see para. 15 below). Although the northern part of the island has been declared relatively safe, foreign investors continue to be cautious, mostly because of the reluctance of insurance companies and banks to take risks. As efforts to rebuild the economy continue, economic activity centres on reconstruction, which is largely funded through DfID.

A. Budget

15. During the 2002 budget presentation in March 2002, the Chief Minister noted that the events of 11 September 2001 had weakened economies throughout the world, making it even more difficult for the smaller States to advance. Nonetheless, in 2001, for the first time in seven years, the Montserrat economy had experienced positive growth. Preliminary estimates from the Central Bank showed that over the past 11 months, the Montserrat economy had grown by 5.7 per cent (from -5.3 per cent to 0.4 per cent). This growth had been possible mainly due to improved negotiations with the British Government, and greater autonomy within DfID to manage local affairs, which, according to the Chief Minister allowed for the removal of restrictions that had prevented the speedy implementation of public works projects. Therefore, the construction sector had grown, and there had been progress in promoting mortgage programmes for home ownership and business plans. Marginal expansion had also been seen in the services sector, including electricity and water, transport and government services. In addition, legislation had been passed to create the Financial Services Commission to regulate and promote the offshore financial sector in close partnership with the Montserrat Chamber of Commerce.

16. Expenditure during 2001 totalled EC$ 52 million. The amount of local revenue raised was estimated to be EC$ 26.5 million and the United Kingdom Government agreed to fund the deficit through DfID. It is expected that revenue during 2002 will increase by about EC$ 1.7 million due to income to be generated from the helicopter and ferry services. Inflation for 2001 stood at 4.9 per cent. The Chief Minister has stated that one of the main goals of his Government's economic policy in 2002 is to control inflation by working with the private sector to ensure that the prices of goods and services are kept under control.

17. In his budget presentation, the Chief Minister stated that the overall thrust of the Government's public finance strategy was to generate revenue through increased economic activity in key sectors. The allocations in the recurrent budget were based on the assumption that there would be no major shift in policy or volcanic activity. With respect to recurrent expenditure, he proposed to spend EC$ 66.2 million during 2002, EC$ 10.9 million more than in 2001. Ministry of Education, Health and Community Services would receive EC$ 15.8 million; Ministry of Communications and Works would receive EC$ 13.4 million; Consolidated Funds Services, EC$ 8.3 million; Ministry of Agriculture, Housing, Lands and the Environment, EC$ 4.5 million; Ministry of Finance, EC$ 2.9 million; and other Departments, EC$ 21.1 million.

18. The Government is also keen to resolve tax arrears problems. As a first step, the Chief Minister announced that all taxes owing on properties that were largely destroyed or inaccessible as a result of the 1995

eruption would be written off. He also announced tax incentives for Montserrat citizens buying land or housing, for offshore educational and scientific institutions and for offshore companies involved in partnerships and joint ventures with approved businesses on the island.

19. The Chief Minister noted that a private sector development consultancy had been undertaken in 2001 to identify strategies to encourage the growth of private enterprise. He added that the present focus was to attract new businesses in the areas of e-commerce and information technology, making the most of Montserrat's small but literate population. The Government is exploring the investment opportunities available through the development of Montserrat's domain name (.ms).

20. Regarding the aid framework from the United Kingdom, the Chief Minister announced that in order to stimulate the economy, his Government had worked closely with DfID during 2001 to ensure that as much as possible of the allocated £24.4 million was spent (see para. 36). Nonetheless, the Government was concerned with the rate of decline in United Kingdom grants imposed by the Aid Framework for 2001-2006. The British Government had directed the Montserrat Government to reduce its level of dependency on budgetary aid and tied the approval of certain projects to cost recovery measures. The Government felt that the time was not right for any major decreases of aid as the economic infrastructure was not yet ready to replace this source of funding. The Chief Minister stated his intention to seek to balance the United Kingdom's policy with the need to avoid further pressure on an already heavily taxed working population.

B. Banking and finance

21. According to the 2002 budget statement, Montserrat's foreign debt, held mainly with the Caribbean Development Bank (CDB) stands at approximately EC$ 20 million (£5.3 million). The balance is similar to that of 2001 because of a three-year moratorium on several loans. The Government is trying to find a way to retire some debts earlier than programmed because many of them were for assets that were rendered unusable by volcanic activity. This situation has hampered the Government's flexibility to borrow further to finance critical projects. The Government is discussing the possibility of undertaking additional loans with the United Kingdom and with the CDB. Meanwhile, the CDB has approved six projects for Montserrat totalling EC$ 200,000 under the Basic Needs Trust Fund programme. The projects include the rehabilitation of two schools and training programmes for lower-income communities.[9]

22. In June 2000, the Organisation for Economic Cooperation and Development (OECD) published a list of 35 countries, including Montserrat, labelled as offshore financial centres that had harmful tax practices. OECD insisted that those jurisdictions must improve their financial regulations and eliminate those practices or face sanctions. An independent review of the Caribbean Territories published in October 2000, assessed the extent to which each Territory regulated its international financial sector and complied with international standards and good practice. Montserrat's response to OECD in January 2001 noted that certain aspects of legislation were compliant with good practice standards. It also recognized some deficiencies in the local regulation of financial services and stated the Government's intention to address the need for more trained personnel for the regulatory authority, an improved level of supervision over the offshore banks, a change of legislation for licensing and supervision of insurance and other outside companies.[10] On 7 March 2002, OECD announced that it had removed Montserrat from its list of tax havens as the Territory had made a commitment to transparency and effective exchange of information on tax matters with OECD countries by the end of 2005.[11]

C. Tourism

23. Despite the lack of proper facilities and the adverse publicity caused by the volcanic activity, Montserrat's tourism industry is steadily recovering. According to the Director of Tourism, the year 2000 recorded an 11 per cent rise over 1999, with 14,356 arrivals, and 2001 recorded an 8.7 per cent rise up to October compared to the previous year. The full 2001 figures may show a decline due to a downturn in air travel worldwide triggered by the 11 September 2001 events. Visitor expenditure during 2000 was EC$ 24 million, EC$ 2.2 million more than in 1999. It is expected that the construction of a new airport will increase tourism, as will an awareness programme to dispel some of the myths regarding potential volcanic

dangers, new hiking trails and visitor facilities to view the volcano. Ferry and helicopter services to Antigua and Barbuda are currently provided and it is thought that there is the potential for increasing the number of day tours from these neighbouring islands.[12]

D. Agriculture and fisheries

24. According to the Chief Minister, the prolonged dry spell in the first half of 2001 seriously impacted agricultural production, which fell by 45 per cent. This highlighted the need for irrigation systems and dams. Three mini dams were completed by the end of 2001 and a fourth is under construction. The main crops produced in 2001 were white potato, sweet pepper, cucumber and okra. The level of egg production, which was negligible in 2000, increased substantially to 10,800 dozens in 2001. Fish catch also increased by 8 per cent in 2001 to 77,515 pounds of produce. In 2002 it is expected that the focus will continue to be on the construction of critical agricultural infrastructure. An allocation of EC$ 459,200 has been made in the 2002 budget for irrigation systems. The Government has specified three main areas in the move towards agricultural self-sufficiency, the first being crops such as roots and tubers, fruit, leafy vegetables and condiments; the second being egg and poultry meat production and the third being support to the Livestock Producers Association and the Farmers Association. Emphasis is also being placed on the training of fisheries staff. Finally, a public market is scheduled to be opened at Little Bay Festival Village during 2002 to replace the Plymouth Market lost in 1995.[13]

VI. Social conditions

A. Education

25. In 1998, there were four government primary schools in operation in the designated safe zone, accommodating children from both the non-evacuated and the evacuated areas. In addition, there are two private primary schools, one private secondary school and one amalgamated government secondary school with three campuses.[14]

26. To meet the growing demand for school places at all levels, a number of projects are being undertaken in the safe areas of the Territory. During 2001, the Government introduced a Five-Year Education Plan, advanced level classes were reintroduced at the Montserrat Secondary School and a Unit for children with special needs was established. In December 2001, the Montserrat Government granted an operating licence for the Medical School of St. Mary, which is expected to have an initial student body of 20. In March 2002, an Early Childhood Centre, funded by the United Kingdom, was opened in Look Out.[15] In addition, the European Union and DfID are funding a EC$ 6 million tertiary-level Community College, which is scheduled for completion by September 2003.

B. Health

27. According to the World Health Organization (WHO), a health project developed by the Government of the United Kingdom, with technical assistance provided by the Pan American Health Organization (PAHO), aims to rebuild the health services in Montserrat to the pre-volcanic level. Community health clinics, providing free services for Montserratians, are in operation in the safe zone at three locations: St. Peter's, Cudjoe Head and St. John's. In addition, there are two private medical practitioners and one private dental practitioner on the island. St. John's Hospital was refurbished in 1999 and now has 30 beds, places for 50 elderly persons, a new pharmacy, a laboratory and medical records facilities, and new casualty, X-ray and outpatient departments, and a secure facility for psychiatric patients. An operating theatre is due to be built within the St. John's facility in 2002, thus avoiding the need to transport patients to Antigua for operations. Some services that are not available in the Territory on a full-time basis are procured through ongoing arrangement with visiting specialists. The Ministry of Health is scheduled to conduct a quality-of-care survey in 2002 to assist in developing long-term health action plans.[16]

28. In March 2002, health officials expressed concern over the increase of new cases of HIV/AIDS and hepatitis B, linked to sexually transmitted diseases, which were reported in 2001. An HIV/sexually transmitted diseases educators' training programme has been initiated in Montserrat with funding from UNAIDS and various international Red Cross Societies.[17]

C. Housing and infrastructure development

29. According to the Chief Minister, in spite of all prior efforts to house those displaced by the volcano eruption, as of March 2002 there were still 1,000 displaced households in need of housing. Additionally, the housing register showed that many Montserratians would return to the island if they had access to land and mortgage financing. As a result of the Government's housing strategy, DfID approved a further £10 million for housing for 2001-2006 and the European Community provided £3.25 million in parallel funds. The housing programme comprises infrastructure development, refurbishment of houses and the servicing of building lots. Under the Self-build Materials Grant Programme, another 44 awards were allotted to Montserratians during the 2001 financial year. One of the main aims of the Government is to restore the level of home ownership prior to the volcanic eruption. To this end, it has welcomed the scheduled relaunching of mortgages programmes by the Montserrat Building Society and the Bank of Montserrat in July 2002. The Chief Minister has also announced that during 2002 the existing Government Housing Unit and the Land Development Authority will be merged into a new National Housing and Development Corporation.

30. A number of infrastructure projects were begun in 2001, among them the construction of sheltered housing for the elderly and the nursery school at Look Out; the Land Development Authority, new police headquarters and fire station in Brades; the St. John's Health Centre and Emergency Department Warehouse in St. Johns; the Volcano Observatory in Fleming; and the renovation of the Cudjoe Head Police Station. The Montserrat Football Association stadium and a National Cultural Centre are due to be completed in 2002. Still pending is a final decision on the site for a new airport. Preliminary estimates for airport construction are EC$ 41.5 million, EC$ 18 million to be funded by the European Union and the rest by DfID and the Government of Montserrat.

D. Human rights

31. According to press reports, a two-person human rights team held workshops and gatherings in Montserrat in March 2002, as part of an effort by the United Kingdom authorities to bring the people of the Overseas Territories up to date on their international treaty obligations and to listen to them on issues of human rights. The media quoted the team as noting that Montserrat was further ahead in human rights achievements than other British Overseas Territories in that Montserrat had "a Bill of Rights in the Constitution, clear people-centred social welfare policies, trade unions and a climate of safety and peace".[18]

32. With the destruction of Plymouth, Montserrat also suffered the destruction of its prison. Since then, largely ad hoc arrangements have had to be made for the accommodation of prisoners. The majority of prisoners with longer sentences are sent to other overseas Territories administered by the United Kingdom. In this regard, in December 2001, the Human Rights Committee, having considered the reports submitted by the United Kingdom on its Overseas Territories, expressed concern over the situation of long-term prisoners from Montserrat, who had to serve sentences in other Territories. The Committee asked that the United Kingdom ensure that, consistent with articles 10, 17, 23 and 24 of the International Covenant on Civil and Political Rights, long-term prisoners may serve their sentences in their own Territory, or that alternatively, non-custodial means of punishment be investigated.[19]

E. Evacuees

33. Assistance to Montserratians who chose to relocate within the Caribbean is provided by the United Kingdom DfID. The programme, called Targeted Assistance for Montserratians in the Caribbean, was established to provide financial assistance to vulnerable groups who were unable to meet their essential needs, including food, rent, utilities, medical expenses, etc. DfID also provides funding for Montserrat associations and non-governmental organizations assisting evacuees, and helps in purchasing tools and materials for the establishment of businesses. A small business programme for evacuees in Antigua and Barbuda and in Bermuda was set up and is managed through the Citizens and Friends of Montserrat.

34. Neighbouring countries have made a considerable contribution to the well-being of evacuees. According to the Government of Antigua and Barbuda, the population of that country increased by 5 per cent as it

has absorbed displaced Montserratians. The relocated inhabitants of the Territory are provided with medical benefits and social services. Free education is offered to students from kindergarten up to tertiary level.

35. In September 2001, the Temporary Protected Status of Montserratians living in the United States as a result of the volcanic crisis was extended until 27 August 2002.[20]

VII. United Kingdom development assistance

36. Since the onset of the volcano crisis, DfID has committed over £135 million to Montserrat, much of this sum being used to establish basic infrastructure in the "safe" northern part of the island in order to return some normality to social and economic life. Currently, DfID has earmarked £72 million between 2002 and 2005/2006 for projects within the Country Policy Plan. In November 2001, as a result of the Country Policy Plan discussions between the Government of Montserrat and DfID, the British Government decided to grant more financial autonomy to the local Government. New initiatives in this direction include an increased EC$ 1.5 million budget for minor public works and a new scheme for locally funded projects, with an annual budget of EC$ 2 million.[21] The Montserrat-based DfID team will be halved during 2002, leaving four Montserratian and two United Kingdom appointed staff on the island. The Governor's Office has expended approximately £380,000 on projects, in Montserrat during the 2001-2002 financial year, tapping funds from various British Government sources. These funds have been used for projects in the areas of environment, training, health, and legal and legislative programmes. The Chief Minister of Montserrat has expressed some concern regarding the rate of decline of grants from the United Kingdom (see para 20.).

VIII. Assistance provided by the United Nations and other international organizations

37. United Nations assistance to Montserrat is provided mainly through UNDP, which maintains programmes of technical cooperation with five Non-Self-Governing Territories of the Caribbean, including Montserrat.

38 After the first volcanic eruptions in 1995, Montserrat was designated as a country in Special Development Circumstances. Since then, support from the UNDP office in Barbados and the Sub-Regional Office of the Organization of Eastern Caribbean States (OECS) has focused on disaster mitigation and institutional strengthening in support of Montserrat's Post-Emergency Resettlement Programme. This involves support to the Government of Montserrat through the placement of United Nations Volunteers (UNV) in key strategic physical and social infrastructure areas. Currently, four international UNVs are providing support in geographic information systems, architecture, occupational therapy (with special emphasis on support for the disabled and elderly), and psychology/community work. A fifth UNV will join as a civil engineer in April 2002. One volunteer is fully funded by the Government of Japan and the rest are funded by DfID. UNDP is also supporting the implementation of an integrated vulnerability assessment of the island, which will provide guidance on disaster vulnerability to development planners and private sector initiatives over the next 25 years.

39. Assistance is also provided by other organizations of the United Nations system, such as WHO and the United Nations International Drug Control Programme (UNDCP). The 2000-2001 health programme established by WHO/PAHO in response to the priority needs as defined by its local Government consists of three projects: environmental health, health promotion and disease prevention, and health services development. Montserrat also participates in a UNDCP project designed to assist customs administrations in the establishment of a regional clearance system for small vessels and light aircraft in order to improve the interdiction of illicit drug-trafficking.

40. In 2000, Montserrat signed a Framework of Cooperation agreement with the European Community's European Development Fund. Initial funding for the period 2000-2003 is 8 million euros, with the overall objective of resettling displaced persons. Primary commitments within the agreement are the provision of housing, sites and services, a Community Support Service Centre and a tertiary-level college.[22]

IX. Relations with international organizations and entities

41. The Territory continues to be a member of CARICOM and OECS, as well as the institutions associated with both groups, including the University of the West Indies, the CDB and the Eastern Caribbean Central Bank. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean (ECLAC) and its subsidiary bodies. The Territory is represented at the meetings of the Caribbean Group for Cooperation in Economic Development, sponsored by the World Bank.

X. Future status of the Territory

A. Position of the territorial Government

42. In March 2002, in presenting the 2002 budget, the Chief Minister of Montserrat stated the following:

> "This Government supports the principles of democracy, accountability and transparency in governance. Our present bid for constitutional reform will not deviate from these principles. Many of you are aware that a Constitutional Committee has been established to review the present Constitution and the Government is looking forward to the recommendations of the Committee. Its terms of reference are designed to encourage broad based consultation and input. The Government of Montserrat is encouraging all interested persons and groups to participate in whatever way possible.
>
> "This Government recognizes that many areas within our legislation are outdated. We have therefore established a law revision committee led by our Attorney General's Office to review and improve current legislation where applicable. Consideration must be given to changes that have been made to international legislations, especially since 11 September last year. This and our own evolving relationship with regional institutions must be examined in light of Montserrat's status as an Overseas Territory of the United Kingdom. It is hoped that some of these issues would also be addressed in the ongoing Constitutional review."

B. Position of the administering Power

43. On 8 October 2001, the representative of the United Kingdom made a statement before the Fourth Committee (see A/C.4/56/SR.3) in which she welcomed the opportunity to present the position of her Government as administering Power and reported on further progress made towards the modernization and development of the relationship between the United Kingdom and its Overseas Territories.

44. The United Kingdom representative said that the third meeting of the Overseas Territories Consultative Committee had been held in London in September 2001. The meeting had been hosted by Baroness Amos, who was appointed Foreign Office Minister for the Overseas Territories in June 2001. The Consultative Committee provided a forum for structured political dialogue and exchange of views between the elected representatives of the Overseas Territories and Her Majesty's Government. The meeting was an opportunity to continue dialogue on the management of public affairs and future development of the Overseas Territories, and enabled Ministers and Overseas Territories governments to consult on matters such as the process of constitutional review and human rights issues arising from the United Kingdom's international commitments.

45. The representative of the United Kingdom said that the United Kingdom's partnership with her Overseas Territories continued to evolve and progress. On 21 June, the Government had introduced to Parliament the British Overseas Territories bill, which would grant British citizenship, with right to abode in the United Kingdom, to citizens from 13 of the United Kingdom's 14 Overseas Territories in fulfilment of a commitment made in the 1999 White Paper on the relationship between the United Kingdom and the Overseas Territories. The bill would also formally change the nomenclature from dependent to overseas Territory to reflect more accurately the nature of the relationship. The United Kingdom and most overseas Territories adopted an Environment Charter on 26 September, which set out 10 guiding principles expressing the key environmental commitments that the international community has adopted. The guiding principles were followed by specific commitments on the part of the United Kingdom and Overseas Territories' governments, indicating how they would work in partnership for the benefit of the environment.

It was a good example, the representative of the United Kingdom said, of how progress could be made by working together in an area of mutual interest, which was critical to the future prosperity, well-being and even survival of many of the Overseas Territories and their communities.

46. The representative of the United Kingdom pointed out that, as the record showed, for the United Kingdom, the wishes of the peoples concerned, exercised in accordance with the other principles set out in the United Nations Charter and in other international treaties, are of paramount importance. The relationship of the United Kingdom with the Territories continued to be based on the following fundamental principles: self-determination; mutual obligations; freedom for the Territories to run their affairs to the greatest degree possible; and a firm commitment from the United Kingdom to help the Territories economically and to assist them in emergencies. The representative of the United Kingdom said that she was sure the Special Committee recognized the basic commonality of approach between the British Government and the Committee. Nevertheless, she stated, it was a pity that while there was so much in common in their approaches, that was not always properly reflected in all relevant resolutions, in particular of the Special Committee on decolonization. The United Kingdom welcomed the fact that the annual "Omnibus" resolution stated that "... in the decolonization process there is no alternative to the principle of self-determination". The United Kingdom therefore regretted that the Special Committee continued only to apply that principle selectively. That principle was enshrined in the Charter of the United Nations and the International Covenant on Civil and Political Rights.

47. The United Kingdom, she stated, would continue to work to improve its cooperation with the Special Committee. A representative of the United Kingdom had attended the Regional Seminar of the Special Committee held in Havana in 2001. The United Kingdom welcomed the efforts made by the Special Committee begun under the constructive leadership of Ambassador Donigi, to pursue informal dialogue with the administering Powers with a view to possible future removal of the Territories from the Committee's list. Careful preparations would be necessary before the United Kingdom could expect substantive progress to be made, but the United Kingdom remained ready to cooperate with the Committee in these efforts.

XI. Consideration by the General Assembly

48. On 10 December 2001, the General Assembly adopted without a vote resolutions 56/72 A and B on Non-Self-Governing Territories. In section VII of the latter resolution, which concerns Montserrat, the Assembly, among other things, called upon the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide urgent emergency assistance to the Territory in alleviating the consequences of the volcanic eruptions; and welcomed the support of the Caribbean Community in the construction of housing in the safe zone to alleviate the shortage caused by the environmental and human crisis of the eruptions of the Montsoufriere volcano, as well as the material and financial support of the international community to help alleviate the suffering caused by the crisis.

Notes

[1] The information contained in the present paper has been derived from published reports and information available on the Internet. The facts and figures presented in the working paper are the latest information available.

[2] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", United Kingdom White Paper, March 1999 (A/AC.109/1999/1, annex).

[3] Trinidad and Tobago; Guyana; Suriname; Netherlands Antilles; Aruba; Windward and Leeward Islands, 1st quarter 1998, The Economist Intelligence Unit, p. 74.

[4] *The Montserrat Reporter* web site (www.montserratreporter.org), 12 April 2002.

[5] www.montserrat-newsletter.com, Jan/Feb/March 2002.

[6] Ibid., September 2001, and www.montserratreporter.org, 11 March 2002.

[7] www.montserrat-newsletter.com, 20 September 2001, and www.montserratreporter.org, 15 March 2002.

[8] www.montserrat-newsletter.com, 20 September 2001.

[9] www.montserratreporter.org, 8 March 2002.

[10] Review of Financial Regulation in the Caribbean Overseas Territories and Bermuda: Implementing Recommendations, 8 February 2001 (www.fco.gov.uk/news/newstext.asp?4674).

[11] *Agence France Presse*, 7 March 2002.

[12] www.montserratreporter.org, 22 March 2002.

[13] Ibid., 18 January 2002.

[14] 1998 Caribbean Basin Profile, p. 315.

[15] www.montserratreporter.org, 14 December 2001 and 29 March 2002.

[16] Ibid., 14 December 2001 and 3 May 2002.

[17] Ibid., 1 March 2002.

[18] Ibid., 29 March 2002, "Human rights team and Montserrat visit".

[19] Document of the Human Rights Committee, seventy-third session, CCPR/CO/73/UKOT, 6 December 2001.

[20] www.montserrat-newsletter.com, 20 September 2001.

[21] www.montserratreporter, 4 December 2001.

[22] VIIth European Development Fund, Framework of Cooperation between the Overseas Territory of Montserrat and the European Community.